

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JOHN S. CARLSON, M.D.**

5 Holder of License No. 2455
6 For the Practice of Allopathic Medicine
7 In the State of Arizona

Case No. MD-07-0843A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and John S. Carlson, M.D. ("Respondent"), the parties agree to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.

25 5. This Consent Agreement does not constitute a dismissal or resolution of other
matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other
2 pending or future investigation, action or proceeding. The acceptance of this Consent
3 Agreement does not preclude any other agency, subdivision or officer of this State from
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this
7 matter and any subsequent related administrative proceedings or civil litigation involving
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended
9 or made for any other use, such as in the context of another state or federal government
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
11 any other state or federal court.


12 7. Upon signing this agreement, and returning this document (or a copy thereof) to
13 the Board's Executive Director, Respondent may not revoke the acceptance of the
14 Consent Agreement. Respondent may not make any modifications to the document. Any
15 modifications to this original document are ineffective and void unless mutually approved
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will
21 be publicly disseminated as a formal action of the Board and will be reported to the
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

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7  DATED: 2-2-09
8 JOHN S. CARLSON, M.D.
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FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 2455 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-07-0843A after receiving a complaint regarding Respondent's care and treatment of a sixty-seven year-old female patient ("DT").

4. DT established care with Respondent in 2003. DT was treated for multiple medical, psychiatric and pain related diagnoses that included diabetes mellitus (DM), degenerative disc disease, osteoarthritis, fibromyalgia, attention deficit disorder, and narcolepsy. During the nine months of treatment, Respondent provided frequent early refills of opioids, benzodiazepines and central nervous system stimulants. Although the timing and the frequency of these prescription refills should have alerted Respondent to possible drug dependency problems, there was no evidence that Respondent recognized or addressed DT's aberrant drug seeking behavior. Additionally, Respondent saw DT on several occasions, but he did not document thorough exams, he did not perform and document diabetic neuropathy testing and foot exams and he did not perform yearly urine microalbumin testing. Respondent listed diagnosis of rheumatoid arthritis without documenting findings to support it. Respondent also ordered a repeat Human Leukocyte Antigen B27 test, even though the same test was negative three months previously. Further, Respondent prescribed Zelnorm for DT even though she was on multiple constipating medications and had contraindications to the medication.

5. When a patient presents with chronic pain and DM, the standard of care requires a physician to perform proper evaluation, physical examination, imaging and/or

1 diagnostic evaluation prior to diagnosis and treatment and to document the extent of
2 neuropathy following foot exams. The standard of care also requires a physician to support
3 a diagnosis of rheumatoid arthritis with radiological findings, symptoms, signs, and lab
4 data. Further, the standard requires a physician to recognize and properly address
5 requests for early refills of controlled substances.

6 6. Respondent deviated from the standard of care because he did not perform
7 a proper evaluation, physical exam, or imaging studies prior to diagnosing and treating
8 DM; he did not perform foot exams; he did not document findings to support a diagnosis
9 of rheumatoid arthritis and he did not recognize or address DM's request for early refills of
10 controlled substances

11 7. Respondent's failure to recognize and properly address the early refills
12 resulted in perpetuation of substance abuse and/or addiction. Additionally, with no
13 evaluation of urine microalbumin there was potential to miss early diabetic nephropathy,
14 and the use of Zelnorm without appropriate indication and with contraindications may have
15 increased DT's risk of gastrointestinal and cardiovascular complications.

16 8. A physician is required to maintain adequate legible medical records
17 containing, at a minimum, sufficient information to identify the patient, support the
18 diagnosis, justify the treatment, accurately document the results, indicate advice and
19 cautionary warnings provided to the patient and provide sufficient information for another
20 practitioner to assume continuity of the patient's care at any point in the course of
21 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did
22 not document thorough exams, diabetic neuropathy testing and foot exams and findings to
23 support a diagnosis of rheumatoid arthritis.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401 (27)(e) ("[f]ailing or refusing to maintain adequate
6 records on a patient.") and A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or
7 might be harmful or dangerous to the health of the patient or the public.").

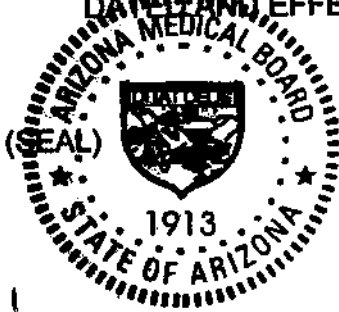
8 ORDER

9 IT IS HEREBY ORDERED THAT:

10 1. Respondent is issued a Letter of Reprimand.

11 2. This Order is the final disposition of case number MD-07-0843A.

12 DATED AND EFFECTIVE this 2ND day of APRIL, 2009.



ARIZONA MEDICAL BOARD

16 By


Lisa S. Wynn
Executive Director

17 ORIGINAL of the foregoing filed
18 this 2nd day of April, 2009 with:

19 Arizona Medical Board
20 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

21 EXECUTED COPY of the foregoing mailed
22 this 2nd day of April, 2009 to:

23 Richard A. Kent
24 Kent & Wittekind
111 W. Monroe Street, Suite 1000
Phoenix, Arizona 85003-1731

1 EXECUTED COPY of the foregoing mailed
2 this 2nd day of April, 2009 to:

3 John S. Carlson, M.D.
4 Address of Record

5 Krinda C. Lay
6 Investigational Review
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